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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	NO. CR 15-0594 RS
	)	
Plaintiff,	)	STIPULATION AND [ <del>PROPOSED</del> ] PROTECTIVE
	)	ORDER REGARDING PRODUCTION OF
v.	)	ATTORNEYS' EYES ONLY DISCOVERY
	)	
RODENY VINCENT ORTIZ, and	)	
VINCENT RUDY ORTIZ	)	
	)	
Defendant.	)	
	)	
	)	

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STIPULATION AND [PROPOSED] PROTECTIVE ORDER  
NO. CR 15-0594 RS

1 On November 22, 2016, the defendants pled guilty to Counts Two and Three of the captioned  
2 Indictment charging them with Use of a Firearm During and in Relation to a Drug Trafficking Crime, in  
3 violation of 18 U.S.C. § 924(c)(1)(A) and 2; and Use of a Firearm During a Drug Trafficking Crime  
4 Causing Murder, in violation of 18 U.S.C. § 924(j) and (2). Sentencing in this matter is currently  
5 scheduled for May 2, 2017.

6 With the agreement of the parties and the defendants' consent, the Court enters the following  
7 Order. In preparation for the sentencing hearing in this matter, the United States may produce un-  
8 redacted witness statements and other materials pertaining to the charges in the Indictment to defense  
9 counsel, and will designate such materials as "Attorney's Eyes Only," subject to the following  
10 restrictions:

11 1. For purposes of this Order, the term "Defense Team" refers to the following individuals:  
12 (1) counsel of record in this case for each defendant ("defense counsel"); (2) defense investigators  
13 assisting defense counsel with this case; (3) persons retained by defense counsel to directly assist with  
14 this case; and (4) any expert witnesses who may be retained by or appointed for defense counsel. For  
15 purposes of this Order, the term "Defense Team" does not include the defendants. If defense counsel  
16 determines that additional persons are needed to review Protected Materials, they must obtain a further  
17 order of the Court or written consent from the government before allowing any other individual to  
18 review Protected Materials.

19 2. Because defense counsel requested certain materials that contain information pertaining  
20 to the shooting victims and information pertaining to other civilian witnesses, and given the sensitive  
21 nature of such information and concerns for witness safety, the government may produce unredacted  
22 copies of these materials to the Defense Team subject to the following limitations:

23 3. Any materials subject to this Protective Order ("Protected Materials") shall be designated  
24 by marking the item "Attorney's Eyes Only – Subject to Protective Order."

25 4. No one other than a member of the Defense Team may review or access Protected  
26 Materials, except as provided below. The defense Team may not share with non-Defense Team  
27 members the information learned during review of the protected materials  
28

1           5.       The defendant shall not be provided with any personal identifiers of the victims or  
2 civilian witnesses, including their date of birth or address.

3           6.       The Defense Team shall not permit anyone other than a Defense Team member to have  
4 physical possession of Protected Materials. The defendants may not possess a copy of the Protected  
5 Materials, and may only review the Protected Materials in the presence of a member of the Defense  
6 Team. Even then, the defendants shall not be provided with and shall not be given access to, the  
7 following information: (a) personal identifiers of the victims and civilian witnesses other than their  
8 names (including date of birth and address); and (b) medical records pertaining to the victims.

9           7.       Review of the Protected Materials shall only be performed in a manner that maintains the  
10 confidentiality of Protected Materials and does not expose them to unauthorized access (including  
11 unauthorized viewing or eavesdropping by unauthorized individuals). The Defense Team shall not  
12 permit Protected Materials to be maintained outside of the Defense Team's office. If Protected  
13 Materials are taken out of the Defense Team's offices, they must remain in the physical possession of a  
14 Defense Team member. Protected materials shall not be left unattended in vehicles or individual homes.

15           8.       The Defense Team may make photographic or electronic copies of Protected Materials  
16 for its own use, but shall not divulge or show Protected Materials to anyone other than the defendant and  
17 only subject to the limitations set forth above. Any duplicates must be marked "Attorney's Eyes Only –  
18 Subject to Protective Order" and will be treated as originals in accordance with this Order.

19           9.       A copy of this Order shall be maintained with the Protected Materials.

20           10.      Prior to receiving access to Protected Materials, all individuals other than defense counsel  
21 shall sign a copy of this Order, in the space below, acknowledging the following:

- 22                   a. I have reviewed the Order;
- 23                   b. I understand its contents and will abide by its terms;
- 24                   c. I agree that I will only access Protected Materials for the purposes of  
25                      preparing a defense for the defendant;
- 26                   d. I agree the information derived from Protected Materials will not be  
27                      disclosed to anyone outside of the Defense Team;

- 1 e. I agree that I will not show the defendants any personal identifiers of the  
2 victims or civilian witnesses, including their date of birth or address.  
3 f. I understand that failure to abide by this Order may result in sanctions by  
4 this Court.

5 Signature: \_\_\_\_\_

6 Name (Print): \_\_\_\_\_

7 Date: \_\_\_\_\_

8 Defense counsel shall maintain such signed copies of the Order and make them available for inspection  
9 by the Court as requested.

10 11. Without written permission from the government or a court order secured after  
11 appropriate notice, the defendant may not file in the public record in this action any Protected Materials  
12 or facts derived from the Protected Materials, and Protected Materials may not be attached to any  
13 pleadings or other court submissions that are publicly filed. Protected Materials may be filed or lodged  
14 under seal, with an order from the Court and pursuant to the procedures set forth in the Criminal and  
15 Civil Local Rules for the United States District Court for the Northern District of California.

16 12. If the Defense Team or defendants are served with a discovery request, subpoena or an  
17 order issued in a separate matter that would compel disclosure of any information or items designated in  
18 this action as Protected Materials, or any information or items produced in this action regardless of  
19 designation, the Defense Team must notify the government, in writing (by electronic mail, if possible),  
20 along with a copy of the discovery request, subpoena or order, as soon as reasonably practicable. The  
21 party receiving the discovery request, subpoena, or order also must immediately inform the party who  
22 caused the discovery request, subpoena or order to issue that some or all of the material covered by the  
23 request, subpoena or order may be the subject of this Protective Order.

24 13. Upon the request of the government, the Defense Team shall return all Protected  
25 Materials to the government fourteen calendar days after sentencing of the defendants and the expiration  
26 of the time to file a notice of appeal or the conclusion of any direct appeal. After the conclusion of  
27 proceedings in the district court, the government will maintain a copy of all Protected Materials  
28

1 produced.

2 14. By stipulating to this Order, the government does not concede that Protected Materials  
3 produced subject to this Order or information redacted from such materials should be unsealed or are  
4 subject to disclosure pursuant to Federal Rule of Criminal Procedure 16 or any other rules of discovery.  
5 Nor do the defendants waive their right to, at a later date, seek to unseal any materials produced subject  
6 to this Order or otherwise compel disclosure of redacted information contained in the same.

7 15. Any counsel that appears in this action for the defendants after the date of this Order shall  
8 automatically be bound by its terms.

9 **SO STIPULATED.**

10 Dated: February 7, 2017

BRIAN J. STRETCH  
United States Attorney

11  
12 /s/  
KIMBERLY HOPKINS  
13 Assistant United States Attorney

14  
15 Dated: February 7, 2017

/s/  
ELIZABETH FALK  
16 Counsel for Defendant Rodney Ortiz

17  
18 Dated: February 7, 2017

/s/  
SARA REIF  
19 Counsel for Defendant Vincent Ortiz

20  
21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

22 Dated: 2/7/17

23   
24 HON. RICHARD SEEBORG  
25 United States District Judge  
26  
27  
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